Sole Source Process
&
Concurrent Fact Finding

Program Initiation to Contract Award

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26 June 2001

Sole Source Process Introduction

- Other Than Full & Open Competition (OTF&OC): Any sole source or limited competition contract action that does not provide an opportunity for all responsible sources to submit proposals.

- Sole Source: A contract action that is entered into, or proposed to be entered into, after soliciting and negotiating with only one source. Sole source and limited types of competition are both considered to be "other than full and open competition" under 10 USC 2304

- In the context of "full and open competition", the government is generally prohibited from predetermining the responsibility of prospective offerors and thereby limiting competition to a pre-selected group.

Program Initiation

- Integrated Product Team (IPT). A multifunctional team assembled around a product or service, and responsible for advising the project leader, Program Manager, or MDA on cost, schedule, and performance of that product.

- There are three types of IPTs: Program IPTs, Working-level IPTs, and Overarching IPTs

Market Research

- An approach used before acquiring goods and services to determine if sources exist to meet the agency’s requirements or whether or not commercial items or non-development items either exist or can be modified to meet the agency’s needs

Source Sought Synopsis

- A notice published in the Commerce Business Daily for the purposes of identifying sources capable of satisfying the government’s requirements.
- Although the notice includes "screening criteria", the criteria are not used to "qualify" potential sources or to exclude potential competitors.
- The purpose of screening respondents is to allow the Government to assess the potential competitive base, to determine whether a J&A is required, or whether various set-asides are appropriate.
- If a sources sought synopsis was issued, include a copy of the notice and the screening criteria used

Evaluation of Responses

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Responsible Contractor

- Adequate financial resources, or the ability to obtain them
- Able to comply with the required or proposed delivery/performance schedule
- Satisfactory performance record;
- Satisfactory record of integrity and business ethics;
- Necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;
- Necessary production, construction, technical equipment and facilities, or the ability to obtain them; and
- Otherwise qualified and eligible to receive an award under the applicable laws in regulations.

Small Business Set Aside Decision

EXTENT OF SMALL BUSINESS PARTICIPATION IN SUBCONTRACTING OPPORTUNITIES IAW DFARS 215,304

OFFEROR DESCRIBE THE SB GOALS & HOW THEY WILL BE MET

Early Strategy and Issues Session

- Heading Check on Acquisition Strategy Development Path
  - Work to resolve issues
  - Important actions to take
  - Strategy options to consider
  - Strategy options to discard
- Jumpstart issue resolution for successful ASP

Acquisition Strategy Panel (ASP)

- An ASP shall be held for all acquisitions that require a written acquisition plan in accordance with DFARS 207.103 (c) and 5307.103 (c)(i)(C), even if the acquisition plan requirement is satisfied by a Single Acquisition Management Plan (SAMP)

- Take place as early as possible in the acquisition planning process to develop a systematic and disciplined approach to achieve an efficient/effective acquisition

- Address all relevant requirements of the written acquisition plan (see FAR 7.105) and any other considerations needed to fully assess the planned acquisition approach

J&A Process

- For AFMC DAC Programs, the DAC shall sign the justification.

- Procedures for processing the J&A after signature are the same as for PEO programs except all correspondence and documentation (e.g., authorizations to release the RFP) shall be sent to the SCCO

- For AFMC DAC actions, all justifications requiring SPE approval shall be coordinated with the Senior Center Contracting Official prior to submittal to SAF/AQ

J&A Process
JRD Approval

- Justification & Approval (J&A) is the document used most frequently to approve the use of other than full & open competition.
- The J&A includes a 13 part justification and a signature page called the Justification Review Document (JRD)
- JRD is fully coordinated and approved justification document which authorizes approval to use other than full and open competition.
- Justification Review Document (JRD): A signature cover page, prescribed by AFFARS 5306.303-290,
- JRD serves as a record of review and coordination for justifications for the use of other than full and open competition. -- JRD and the justification comprise the J&A.

CONCURRENT FACT FINDING

"A approach to sole source procurements"

Concurrent Fact Finding

- Objective: Shorten sole source procurement cycle time by minimizing rework.
- Elements of Effective Concurrent Fact-finding:
  - » Letter w/SOO in lieu of RFP
  - » Concurrent development of contractor’s proposal and contract document
  - » Minimized Negotiation Time

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Concurrent Fact Finding

- Letter w/SOO in lieu of RFP
  - » Per Darlene Druyun, issue Statement of Objectives (SOO) with a simple cover letter
  - » Letter includes:
    - proposal completion date and;
    - description of concurrent fact-finding process
  - » SOO includes:
    - broad definition of requirement

Concurrent Fact Finding

- Concurrent development of contractor's proposal and contract document
  - » Develop both technical and contractual aspects
- Technical
  - » Statement of Work (SOW)
  - » Basis of Estimates (BOEs)
- Contractual
  - » All non-mandatory terms and conditions
  - » CLIN and Fee Structure

Concurrent Fact Finding

- Minimized Negotiation Time
  - » Goal is a proposal which reflects Government's objective position
    - Discussions during Concurrent Fact-finding should settle technical and contractual issues
    - Initiating DCAA audit during pre-proposal phase should settle financial issues
  - » Negotiations become a formality

Concurrent Fact finding

- Spacecraft Support and Services Follow-on
  - » Statement of Work developed
  - » Basis of Estimates (BOEs) reviewed
  - » All terms and conditions reviewed
  - » CLIN structure and Award Fee Plan developed
  - » DCAA audit initiated

Concurrent Fact Finding

- Benefits
  - » Many technical/contractual issues resolved prior to release of proposal
    - On-site discussions where all required data is available
  - » Brainstorming Opportunity
  - » Negotiation time shortened

Concurrent Fact Finding

- Lessons Learned
  - » TDY time and expense
  - » BOE discussions dictate progress
  - » Contractor coordination with DCAA
  - » Management of all “spinning plates” critical

Concurrent Fact Finding

- Conclusions
  - » Effective streamlining technique
  - » Benefits of teamwork
  - » Requires careful planning and flexibility (& luck!)

Issue Notice of Contracting Action (NOCA) Synopsis

- FAR 5.203 indicates a NOCA "shall be published in the CBD at least 15 days before issuance of a solicitation…" and that "…agencies shall allow at least a 30-day response time for receipt of bids or proposals from the date of issuance of a solicitation..”

- The CBD is a public notification media for the U.S. Government which publishes Notice of Contractual Actions (NOCAs) and other Government announcements

- NOCA shall be published at least 15 days before release of an IFB or RFP and allow at least 30 days response time for receipt of bids or proposal from the date of solicitation release.

- At least 45 days response time must be allowed for receipt of proposals for an R&D CBD announcement/solicitation

SAMP Coordination/ Approval and Format

- In most cases, the final approval authority for the SAMP is the Milestone Decision Authority
- Specific approval signatures are required because the SAMP meets the intent of multiple statutory requirements--depending on the decisions requested or the statutory information provided, additional approval signatures may be necessary
- prescribed process takes advantage an “incremental” approval process.
- The SAMP IPT recommends which offices coordinate on the final SAMP
- SAF/AQX SAMP Guide prescribes SAMP format and some general statements and questions you should consider when preparing your SAMP.
  - At a minimum, you must comply with the requirements for documenting the acquisition plan as described in FAR 7.105, as supplemented.

RFP Release Briefing

- During the contracting process, the Air Force must first communicate its needs to prospective contractors and allow for maximum possible competition. Solicitations are expressed as IFBs or RFPs.
- Systems acquisitions generally use the competitive proposal method, resulting in the use of RFPs for solicitation. RFPs result in contractors' proposals, which then must be evaluated to select a contractor for negotiation and award.
- Evaluate clarity and coherence with which the RFP is constructed
- The board reviews a solicitation to make sure it gives a sound basis for contracting; includes program objectives; conforms to regulations and laws;
- Implements AFMC acquisition policy; outlines clearly and concisely what the Air Force intends to buy; and contains only essential requirements.

RFP Release to Industry

Proposal Preparation and Fact-Finding (concurrent)

Pre-Proposal Conference

- Verbally presents proposal information, in response to a solicitation, that is traditionally presented in writing
- May substitute for, or augment, written information, however, certifications and representations, and a signed offer sheet must be in writing
- Provides “an opportunity for dialogue among the parties.”
- Permits Oral Presentation from contractor and is subject to same instructions as written proposal, e.g., timing and content
- Incorporation by reference of oral statements into the contract is not permitted (FAR 15.102(f))

Pre-Proposal Conference

- Describe the activities leading up to the release of the solicitation such as market research, draft solicitations, and synopsis.

- For the market research discuss how it was used to achieve competition, including a discussion of screening criteria

Receive Proposal

- Upon receipt at the location specified in the solicitation

- Proposals and information received in response to a request for proposal shall be marked with the date and time of receipt and shall be transmitted to the designated officials
- Proposals shall be safeguarded from unauthorized disclosure throughout the source selection process or evaluation process

- Contracting officer immediately shall notify the offeror and permit the offeror to resubmit the unreadable portion of the proposal.

- Proposals may be withdrawn by written notice at any time before award.

- Oral proposals in response to oral solicitations may be withdrawn

Conduct Technical Evaluations

- Proposal evaluation is an assessment of the proposal and the offeror's ability to perform the prospective contract successfully
- Uses Proposal Instructions To Offerors - - what we need to see in the proposal
- Competitive source selection evaluation factors & criteria - are useful tools to measure a proposal
- Goal is to secure best value
- The team may discuss:
  - Significant weaknesses
  - Proposal Inadequacies & Deficiencies
  - Other aspects to enhance award potential
  - Discuss efforts above mandatory minimums
- Ensure that proposals are evaluated based solely on the evaluation factors or criteria contained in the solicitation

Receive Field Reports

- When field pricing assistance is requested, contracting officers are encouraged to team with appropriate field experts
- Use throughout the acquisition process, including negotiations.
- Early communication with these experts will assist
- Determine the extent of assistance required, the specific areas for which assistance is needed,
- Provide a realistic review schedule, and the information necessary to perform the review.

Complete Pricing Analysis/ Determine Objective

- Use structured approaches for determining profit or fee pre-negotiation objectives provide a discipline for ensuring that all relevant pricing factors are considered.

- For agencies making noncompetitive contract awards over $100,000 totaling $50 million or more a year

Pre-Negotiation Briefing

Clearance

- Each clearance request, together with the supporting source documents, must clearly establish that:
  - The negotiation objective or Government position is fair and reasonable in terms of both price and
  - contract terms and conditions; and
  - The contemplated business arrangement and the contract to be awarded are sound and in compliance with laws, regulations, and policies.
- Noncompetitive acquisitions. Guidance on presentation content and sample briefing charts can be found in Part 1 of the Contracting Toolkit on the SAF/AQC Home Page of the World Wide Web

Negotiations and Bargaining

- Bargaining /Technical Leveling allowed
  - Includes persuasion, alteration of assumptions/positions and give and take

- Can include proposal revisions to:
  - Technical approach/requirements
  - Price
  - Schedule
  - Contract type or other terms

Negotiations

- Negotiations are exchanges, in either a competitive or sole source environment, between the Government and offerors
- Uundertaken with the intent of allowing the offeror to revise its proposal.
- Negotiations may include bargaining.
- Bargaining includes persuasion, alteration of assumptions and positions, give-and-take and may apply to price, schedule, technical requirements, type of contract, or other terms of a proposed contract.

Prepare PNM

- Discussion of price analysis performed or reasons why it was not performed
- Identification of cost or pricing data, and the extent to which the
- Government relied upon on
- Discussion of rationale for final disposition of audit
- Recommendations and costs questioned
- Comments on the status of Contractor Systems.

Contractor Agreement and PCO Signature

- Contracting officers should take extraordinary steps before award to assure themselves that the prospective contractor's technical and managerial capacity are sufficient

- Organizational conflicts of interest are adequately covered, and that the contract
-
- Government broad and continuing rights to involve itself if necessary, in technical and managerial decision-making concerning contractor performance.

Notification to Congress

Contract Award

Summary